

# Notice of Allowability

Application No.

09/408,716

Examiner

ANTHONY J. BLACKMAN

Applicant(s)

MILLER ET AL.

Art Unit

2676

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/17/05.
2. ☒ The allowed claim(s) is/are 1, 3-10 and 12-14 and 16-17 are renumbered as claims 1-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see the Interview Summary filed 9/16/05, with respect to the demonstration performed by applicant provided supportive evidence under 37 CFR 1.131, having established conception and reduction of the instant invention to practice, have been fully considered and are persuasive. Additionally, applicant included three color slides (attached to this office action) with the dates blanked out, along with the demonstration of the actual claimed invention. Thus, the office action of 3/22/05 has been withdrawn.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a personal interview with Jeffrey D. Saffer (the inventor) and Konstantin M. Linnik (the attorney) on 9/16/05.

Claims 1, 12, 13, 16 and 17 are shown to amended below;

As per claim 1, on line 6 after the word representing and before a plurality, please enter "values for".

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On line 7, after set, and before arranged, please enter "the attributes being".

As per claim 12, on line 4, after representing and before a plurality, please enter "values for".

Also on line 7 of claim 12, after set, and before arranged, please enter "the attributes being".

As per claim 13, on line 7, after representing and before a plurality, please enter "values for".

Also for claim 13, after records, and before arranged, please enter "the attributes being".

As per claim 16 on page 8, on line 10, after plurality of and before attributes associated, please enter "values for".

Also for claim 16 on line 10, after the records, and before arranged on line 11, please enter "the attributes being".

As per claim 17, on line 7, after representing and before a plurality please enter "values for".

Also on line 7, after the records, and before arranged on line 8 of claim 17 please enter "the attributes being".

***Allowable Subject Matter***

3. The following is an examiner's statement of reasons for allowance for independent claims 1, 12, 13, 16 and 17: none of the prior art, including, KAHN, US Patent No. 5,461,708, either alone or together expressly teach or suggest the amended claim language entered by Examiner's Amendment above in independent claims 1, 12, 13, 16 and 17. Applicant submitted an affidavit under CFR 1.131 establishing conception and reduction of the instant application to practice prior to June 4, 1999 overcoming the priority dates of both Coleman et al, US Patent No. 6,738,502 and Barq et al, US Patent No. 6,707,454. Further, during the Interview on 9/16/05, applicant demonstrated the actual invention to provide a clear understanding of the merits of the instant invention over the prior art. The Interference Search yielded no prior art to further prosecution against the amended claimed subject matter, claims 1, 3-10, 12-14 and 16-17. Therefore, claims 1, 12, 13, 16 and 17 along with their dependent claims meet necessary reasons for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

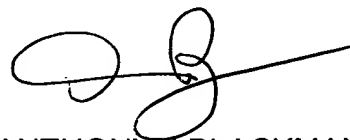
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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J. BLACKMAN whose telephone number is 571-272-7779. The examiner can normally be reached on FLEX SCHEDULE.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANTHONY J BLACKMAN  
Examiner  
Art Unit 2676

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MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

# Visual Informatics and Data Mining

## Concepts and a Real-Life Example

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Slide 1

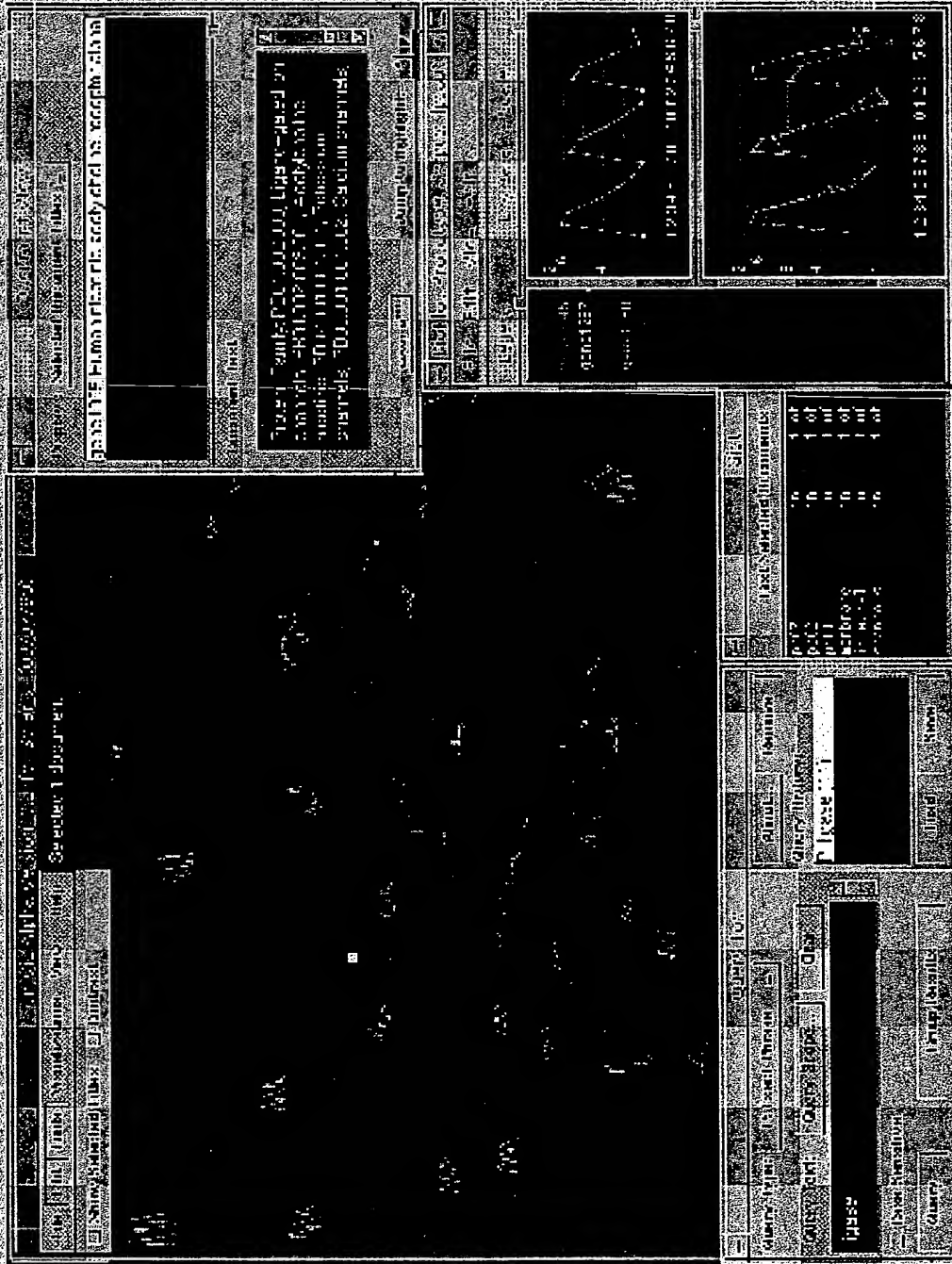
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# Galaxy View



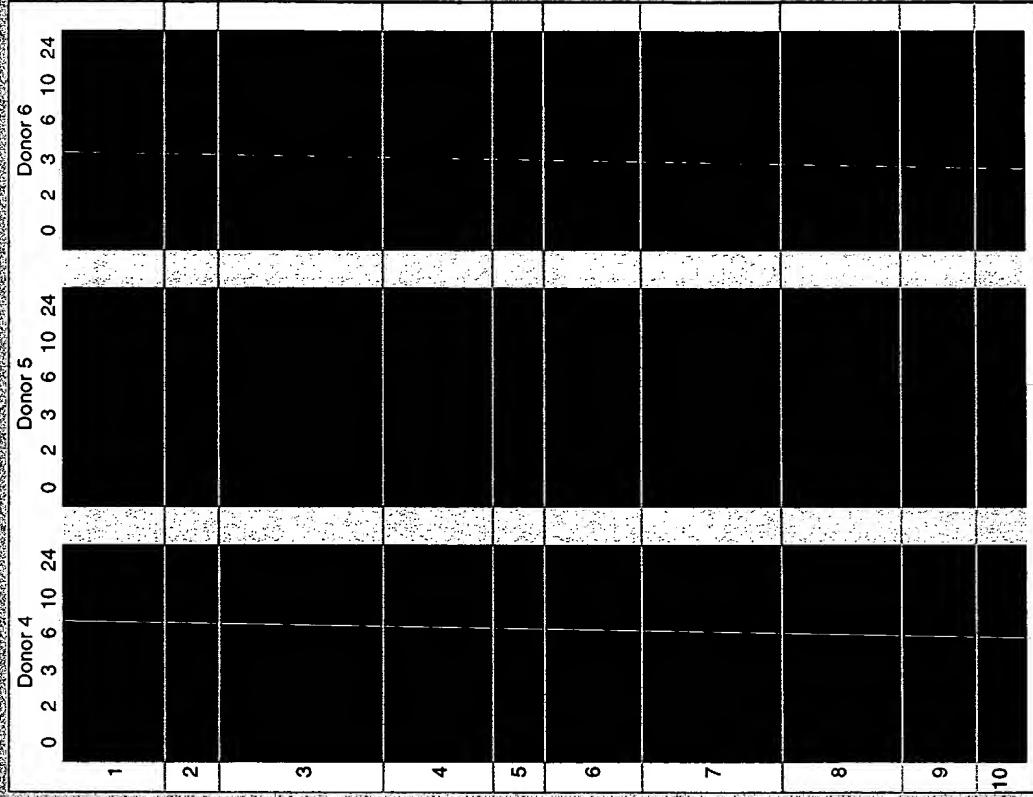
Slide 2

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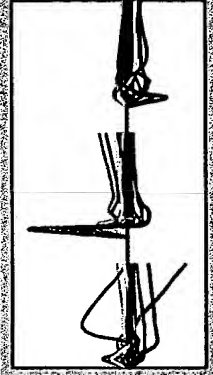
Battelle Visual Informatics

# Donor-specific Behavior

- In CorScape of ratio data (806 genes in 10 clusters), cluster 10 has donor 5-specific behavior
- Cluster contains a group of genes related to neuro-endocrine stress response
- Hypothesis (somewhat facetious): donor 5 stressed by blood donation
- We can refine hypothesis by considering coefficients of variation



806 genes, log(ratio) Normalization, 10 clusters, PAM



Slide 3

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